

---

---

**BZA-1840**  
**CROWN CASTLE/GLOBAL SIGNAL ACQS. II LLC**  
**Special Exception**

**STAFF REPORT**  
**December 1, 2011**

---

---

---

---

**BZA-1840**  
**CROWN CASTLE/GLOBAL SIGNAL ACQS. II LLC**  
**Special Exception**

**Staff Report**  
**December 1, 2011**

---

---

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of owner Donna Beeler, is requesting a special exception to expand previously approved special exceptions for a primary communications tower (BZA-1511, 1683, 1692, and 1756) in the AW zone. The current proposal would add a generator within the easement area. The property is located at 6611 Newcastle Road, Sheffield 28 (SE) 22-3.

**AREA ZONING PATTERNS:**

This site and all surrounding land is zoned Agricultural Wooded (AW). Agricultural zoning (A) exists west of Newcastle Road. Flood Plain zoning (FP) associated with the South Fork of the Wildcat Creek and Lauramie Creek, is located east of I-65 and farther to the south.

The existing tower was approved in 1999 by special exception (BZA-1511). Since then, three special exceptions have been heard and approved by the BZA to allow additional carriers on the tower itself, or to allow construction of additional equipment shelters within the 80' x 80' easement area (BZA-1683, 1692, and 1756). Two variances have also been heard and approved within that same time period (BZA-1695 and 1760); these requests allowed equipment shelters within the 60' building setback from I-65 and also legitimized the setback of the existing tower.

Two requests (a special exception and a variance) for a primary communications tower were approved for property just to the south of petitioner's tower (BZA-1484 & 1485). These requests were for a 60' wooden, repeater pole that is still in use.

**AREA LAND USE PATTERNS:**

The area is a combination of rural home sites, farm fields and wooded ravines. Several approved parcelization home sites exist just to the north and south of this property.

**TRAFFIC AND TRANSPORTATION:**

The tower site gets its access from an existing 20' wide gated driveway and utility easement off of Newcastle Road. The use generates very little traffic; the petition states that, "this is an existing unmanned facility, which is generally visited on a monthly basis for routine maintenance and as needed for emergency repairs."

**STAFF COMMENTS:**

This special exception would allow the addition of a generator on an 8' x 4' concrete pad

within the fenced-in easement area. The generator would also be well outside of the 60' building setback from I-65. The petition states that, "the proposed generator is essential to ensure back up power for continued communication availability during emergency situations and power outages."

This case is the first of two on the same agenda, where a previously approved special exception for a primary communications tower is being expanded to allow the placement of a generator within the fenced-in area of a cell tower site. (The other case, BZA-1844, would also expand its original request by the addition of one more carrier. Its petition, however, includes an allowance for future equipment within the fenced-in area.) It's possible more special exceptions for generator placement will be filed in the future. With that in mind, staff proposes adding a condition to this request that would allow future generators and other equipment to be added to the fenced-in portion of the cell tower site without requiring another special exception. This will not only save current or future cell phone carriers' time and money, but will also save the public's money in the form of saving staff's time and resources.

At its meeting on November 16, the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize a special exception for a primary communications tower in the AW district.

And it is staff's opinion that:

2. The requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met. The site complies with all required setbacks and is enclosed by a 6' tall security fence.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance. The established use of the property will not change.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
  - a. Traffic generation: Minimal traffic is generated by this use, and once installed, no additional traffic would be created because of the proposed power generator.
  - b. Placement of outdoor lighting: No change in lighting is proposed.
  - c. Noise production: No additional noise would be produced.
  - d. Hours of operation: 24 hours per day, seven days per week are typical for this use.

#### **STAFF RECOMMENDATION:**

Approval, with the following condition:

Amend the site plan with a note stating: "Additional future generators, cabinets or other equipment servicing the cell tower may be installed within the fenced-in easement area." This would mean additional special exceptions of this type will not be needed at this site.